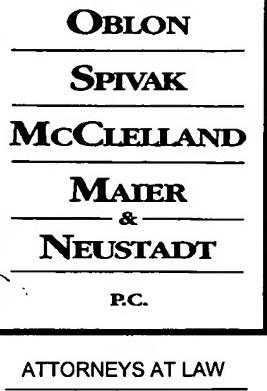




Docket No.: 239611US2SRD



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/607,000

Applicants: Naohiko OYASATO, et al.

Filing Date: June 27, 2003

For: EVALUATION SUPPORT APPARATUS AND
METHOD FOR EVALUATION OF
RECYCLABILITY/ENVIRONMENTAL LOAD

Group Art Unit: 2863

Examiner: Sun, Xiuqin

SIR:

Attached hereto for filing are the following papers:

Provisional Election

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

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DOCKET NO: 23961TUS2SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

NAOHIKO OYASATO, ET AL. : EXAMINER: SUN, XIUQIN

SERIAL NO: 10/607,000 :

FILED: JUNE 27, 2003 : GROUP ART UNIT: 2863

FOR: EVALUATION SUPPORT
APPARATUS AND METHOD FOR
EVALUATION OF
RECYCLABILITY/ENVIRONMENTAL
LOAD

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated December 28, 2006, Applicants provisionally elect with traverse species I of a design support apparatus which supports a design of a product, best illustrated by the specification on page 4, lines 5-20, for further examination on the merits. Applicants identify Claims 2-15 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

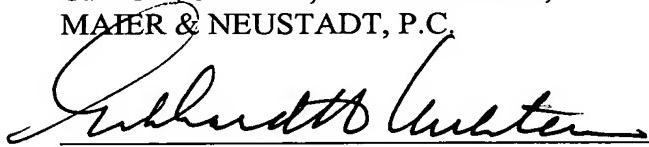
Application No. 10/607,000
Reply to Office Action of December 28, 2006

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-38 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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